

In re the marriage of:

PETITIONER (You)

Street Address _____
City, State _____, _____
ZIP _____

and

RESPONDENT (Your Spouse)

Street Address _____
City, State _____, _____
ZIP _____

(Mark only one with an X)

☐ **STATE OF WISCONSIN is NOT a party**

☐ **STATE OF WISCONSIN IS a party**

Waukesha County, Office of Corporation Counsel
Child Support Division Administration Center, Room 346
1320 Pewaukee Road, Waukesha, WI 53188
Phone: (262) 548-7420

Findings of Fact, Conclusions of Law and Judgment

With Minor Children

Case # _____

Divorce-40101

I. TRIAL:

1. Presiding Judge _____

2. Address

Waukesha County Courthouse
515 W. Moreland Blvd.
Waukesha, WI 53188

3. Date(s) of Trial _____, 20____, _____, 20____
(Month) (Day) (Year) (Month) (Day) (Year).

4. Date divorce was granted _____, 20____
(Month) (Day) (Year).

II. APPEARANCES:

1. PETITIONER ☐ did not appear OR ☐ appeared in person AND was ☐ self-represented OR
☐ represented by
Firm Name _____

Attorney's Name _____

2. RESPONDENT ☐ did not appear OR ☐ appeared in person AND was ☐ self-represented OR
☐ represented by
Firm Name _____

Attorney's Name _____

3. Others Appearing at Trial:

III. FINDINGS OF FACT:

1. **Jurisdiction.** Mark only one with an **X**.

A. ☐ The PETITIONER ☐ The RESPONDENT or ☐ BOTH lived in Waukesha County for more than thirty (30) days before the case was filed.

AND

Mark only one with an **X**.

B. ☐ The PETITIONER ☐ The RESPONDENT or ☐ BOTH lived in the State of Wisconsin for more than six (6) months before the case was filed.

AND all necessary parties have been properly served, and 120 days have lapsed since the date of service of the **Summons** and **Petition** upon the RESPONDENT.

2. **PETITIONER in this action:**

The PETITIONER is

(First) (M.I.) (Last)

whose Social Security Number is

_____-_____-_____
(Month) (Day) (Year)

whose Date of Birth is

_____, 19_____
(Month) (Day) (Year)

whose Address is

_____, Apt #_____
(Street Address)

_____, (City) (State) (ZIP Code)

and who works as a(n)

(Job Title)

Income:

Current monthly earnings Gross \$_____

3. **RESPONDENT in this action:**

The RESPONDENT is

(First) (M.I.) (Last)

whose Social Security Number is

_____-_____-_____
(Month) (Day) (Year)

whose Date of Birth is

_____, 19_____
(Month) (Day) (Year)

whose Address is

_____, Apt #_____
(Street Address)

_____, (City) (State) (ZIP Code)

and who works as a(n)

(Job Title)

Income:

Current monthly earnings Gross \$_____

4. The parties were married on

They were married in

_____, _____, _____
(Month) (Day) (Year).
_____, _____
(City) (State)

5. **A.** The names, dates of birth, and social security numbers of all children born to or adopted by the parties, **and** other children born to the wife during the marriage are listed below. An **X** in the box on the left indicates that the husband is found NOT to be the biological father of said child(ren).

Name

Birth date

Soc. Sec. Number

<input type="checkbox"/> _____ (First) (M.I.) (Last)	____/____/____ (Mo) (Day) (Yr)	____-____-____
<input type="checkbox"/> _____ (First) (M.I.) (Last)	____/____/____ (Mo) (Day) (Yr)	____-____-____
<input type="checkbox"/> _____ (First) (M.I.) (Last)	____/____/____ (Mo) (Day) (Yr)	____-____-____
<input type="checkbox"/> _____ (First) (M.I.) (Last)	____/____/____ (Mo) (Day) (Yr)	____-____-____
<input type="checkbox"/> _____ (First) (M.I.) (Last)	____/____/____ (Mo) (Day) (Yr)	____-____-____
<input type="checkbox"/> _____ (First) (M.I.) (Last)	____/____/____ (Mo) (Day) (Yr)	____-____-____

B. Assignment of specific responsibility for payment of the children's medical and dental expenses has been made in the attached **Marital Settlement Agreement** or is as ordered by the court.

C. There are _____ adult child(ren) of this marriage.

D. Mark only one with an X.

A. ☐ The wife is **not** currently pregnant.

B. ☐ The wife **is** currently pregnant and the husband ☐ **is** ☐ **is NOT** the biological father.

6. Mark all that apply with an **X**.

A. ☐ Neither party has filed for divorce or legal separation from each other in Wisconsin or any other state.

B. ☐ The PETITIONER has filed for divorce from this marriage before.

He/she filed for divorce in

_____, _____
(City) (State)

The case number was

The case was dismissed on

_____, _____, _____
(Month) (Day) (Year)

C. ☐ The RESPONDENT has filed for divorce from this marriage before.

He/she filed for divorce in _____,

(City)

(State)

The case number was _____

The case was dismissed on _____

(Month)

(Day)

(Year)

7. A. Mark only one with an X.

☐ Both parties ☐ the PETITIONER ☐ the RESPONDENT are fit and proper persons to have the custody and placement of the minor child(ren).

B. Mark all that apply with an X.

The best interests of the child(ren) are served by awarding ☐ sole ☐ joint custody to

☐ both parties ☐ the PETITIONER ☐ the RESPONDENT.

8. The marriage is irretrievably broken.

9. Property.

The parties' assets, their interests, values, and their encumbrances and debts are found to be as stated in the **Financial Disclosure** forms, which were updated as required by statute on the record at the time of trial, and are on file. The division of all debts, obligations, property, and real estate has been set forth in the **Marital Settlement Agreement**.

10. The parties' **Marital Settlement Agreement** is found to be fair and reasonable, is approved in its entirety, and is incorporated by reference as the judgment of the court.

11. ☐ Other specific findings are attached.

☐ There are no additional specific findings.

IV. CONCLUSIONS OF LAW AND JUDGMENT

1. Divorce.

The marriage between the
PETITIONER,

(First)

(M.I.)

(Last)

whose address is _____,

(Street Address)

Apt # _____,

(City)

(State)

(ZIP Code)

and who works as a(n) _____

(Job Title)

and the

RESPONDENT,

(First)

(M.I.)

(Last)

whose address is _____, Apt # _____,
(Street Address)
_____, _____, _____,
(City) (State) (ZIP Code)
and who works as a(n) _____,
(Job Title)

is dissolved, and the parties are divorced effective on _____, 20____,
(Month) (Day) (Year)
except as the parties are informed by the court that under sec. 765.03(2) Wis. Stats.:

It is unlawful for any person, who is or has been a party to an action of divorce in any court in this state, or elsewhere, to marry again until six months after judgment of divorce is granted, and the marriage of any such person solemnized before the expiration of six months from the date of the granting of judgment of divorce shall be void.

2. Child Custody and Physical Placement

A. A person who is awarded periods of physical placement, a child of such a person, a person with visitation rights, or a person with physical custody of a child may notify the Family Court Commissioner of any problem he or she has relating to any of these matters. Upon notification, the Family Court Commissioner may refer any person involved in the matter to the Director of Family Court Counseling Services for mediation to assist in resolving the problem.

B. Each party who is granted joint legal custody or, in a sole custody arrangement, the parent not granted sole custody, shall file a medical history form with the court in compliance with sec. 767.327 Wis. Stats.

C. Change of Residence of Child(ren). Notice is hereby given of the provisions of sec. 767.327 Wis Stat.

767.327 Moving the child's residence within or outside the state. (1) NOTICE TO OTHER PARENT. (a) If the court grants periods of physical placement to more than one parent, it shall order a parent with legal custody of and physical placement rights to a child to provide not less than 60 days written notice to the other parent, with a copy to the court, of his or her intent to:

1. Establish his or her legal residence with the child at any location outside the state.
2. Establish his or her legal residence with the child at any location within this state that is at a distance of 150 miles or more from the other parent.
3. Remove the child from this state for more than 90 consecutive days.

(b) The parent shall send the notice under par. (a) by certified mail. The notice shall state the parent's proposed action, including the specific date and location of the move or specific beginning and ending dates and location of the removal, and that the other parent may object within the time specified in sub. (2)(a).

(2) OBJECTION; PROHIBITION; MEDIATION. (a) Within 15 days after receiving the notice under sub. (1), the other parent may send to the parent proposing the move or removal, with a copy to the court, a written notice of objection to the proposed action.

(b) If the parent who is proposing the move or removal receives a notice of objection under par. (a) within 20 days after sending a notice under sub. (1)(a), the parent may not move with or remove the child pending resolution of the dispute, or final order of the court under sub. (3), unless the parent obtains a temporary order to do so under s. 767.23(1)(bm).

(c) Upon receipt of a copy of a notice of objection under par. (a), the court or family court commissioner shall promptly refer the parents for mediation or other family court counseling services under s. 767.11 and may appoint a guardian ad

item. Unless the parents agree to extend the time period, if mediation or counseling services do not resolve the dispute within 30 days after referral, the matter shall proceed under subs. (3) to (5).

(3) STANDARDS FOR MODIFICATION OR PROHIBITION IF MOVE OR REMOVAL CONTESTED. (a) 1. Except as provided under par. (b), if the parent proposing the move or removal has sole legal or joint legal custody of the child and the child resides with that parent for the greater period of time, the parent objecting to the move or removal may file a petition, motion or order to show cause for modification of the legal custody or physical placement order affecting the child. The court may modify the legal custody or physical placement order if, after considering the factors under sub. (5), the court finds all of the following:

a. The modification is in the best interest of the child.

b. The move or removal will result in a substantial change of circumstances since the entry of the last order affecting legal custody or the last order substantially affecting physical placement.

2. With respect to subd. 1.:

a. There is a rebuttable presumption that continuing the current allocation of decision making under a legal custody order or continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. This presumption may be overcome by a showing that the move or removal is unreasonable and not in the best interest of the child.

b. A change in the economic circumstances or marital status of either party is not sufficient to meet the standards for modification under that subdivision.

3. Under this paragraph, the burden of proof is on the parent objecting to the move or removal.

(b) 1. If the parents have joint legal custody and substantially equal periods of physical placement with the child, either parent may file a petition, motion or order to show cause for modification of the legal custody or physical placement order. The court may modify an order of legal custody or physical placement if, after considering the factors under sub. (5), the court finds all of the following:

a. Circumstances make it impractical for the parties to continue to have substantially equal periods of physical placement.

b. The modification is in the best interest of the child.

2. Under this paragraph, the burden of proof is on the parent filing the petition, motion or order to show cause.

(c) 1. If the parent proposing the move or removal has sole legal or joint legal custody of the child and the child resides with that parent for the greater period of time or the parents have substantially equal periods of physical placement with the child, as an alternative to the petition, motion or order to show cause under par. (a) or (b), the parent objecting to the move or removal may file a petition, motion or order to show cause for an order prohibiting the move or removal. The court may prohibit the move or removal if, after considering the factors under sub. (5), the court finds that the prohibition is in the best interest of the child.

2. Under this paragraph, the burden of proof is on the parent objecting to the move or removal.

(4) GUARDIAN AD LITEM; PROMPT HEARING. After a petition, motion or order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem, unless s. 767.045(1)(am) applies, and shall hold a hearing as soon as possible.

(5) FACTORS IN COURT'S DETERMINATION. In making its determination under sub. (3), the court shall consider all of the following factors:

(a) Whether the purpose of the proposed action is reasonable.

(b) The nature and extent of the child's relationship with the other parent and the disruption to that relationship which the proposed action may cause.

(c) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent.

(5m) DISCRETIONARY FACTORS TO CONSIDER. In making a determination under sub. (3), the court may consider the child's adjustment to the home, school, religion and community.

(6) NOTICE REQUIRED FOR OTHER REMOVALS. (a) Unless the parents agree otherwise, a parent with legal custody and physical placement rights shall notify the other parent before removing the child from his or her primary residence for a period of not less than 14 days.

(b) Notwithstanding par. (a), if notice is required under sub. (1), a parent shall comply with sub. (1).

(c) Except as provided in par. (b), subs. (1) to (5) do not apply to a notice provided under par. (a).

(7) APPLICABILITY. Notwithstanding 1987 Wisconsin Act 355, section 73, as affected by 1987 Wisconsin Act 364, the parties may agree to the adjudication of a modification of a legal custody or physical placement order under this section in an action affecting the family that is pending on May 3, 1988.

D. Whoever intentionally violates the following criminal statute (a Class C felony) may be punished by a fine not to exceed \$10,000 or imprisonment not to exceed fifteen years, or both:

948.31 Interference with custody by parent or others.

(1) (a) In this subsection, "legal custodian of a child" means:

1. A parent or other person having legal custody of the child under an order or judgment in an action for divorce, legal separation, annulment, child custody, paternity, guardianship or habeas corpus.

2. The department of health and family services or the department of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody or supervision of the child has been transferred under ch. 48 or 938 to that department, person or agency.

(b) Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class C felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

(2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents or, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.60, from the child's mother or, if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class E felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.

(3) Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class C felony:

(a) Intentionally conceals a child from the child's other parent.

(b) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining child custody rights, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in s. 822.02(9).

(c) After issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period.

(4) (a) It is an affirmative defense to prosecution for violation of this section if the action:

1. Is taken by a parent or by a person authorized by a parent to protect his or her child in a situation in which the parent or authorized person reasonably believes that there is a threat of physical harm or sexual assault to the child;

2. Is taken by a parent fleeing in a situation in which the parent reasonably believes that there is a threat of physical harm or sexual assault to himself or herself;

3. Is consented to by the other parent or any other person or agency having legal custody of the child; or

4. Is otherwise authorized by law.

(b) A defendant who raises an affirmative defense has the burden of proving the defense by a preponderance of the evidence.

(5) The venue of an action under this section is prescribed in s. 971.19(8).

(6) In addition to any other penalties provided for violation of this section, a court may order a violator to pay restitution, regardless of whether the violator is placed on probation under s. 973.09, to provide reimbursement for any reasonable expenses incurred by any person or any governmental entity in locating and returning the child. Any such amounts paid by the violator shall be paid to the person or governmental entity which incurred the expense on a prorated basis. Upon the application of any interested party, the court shall hold an evidentiary hearing to determine the amount of reasonable expenses.

3. Maintenance/Support Payments.

A. Pursuant to sec. 767.265, Wis. Stats., this judgment constitutes an immediate assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under Chapter 102 or 108, and other money due or to be due in the future, to the WI SCTF. The assignment shall be for an amount sufficient to ensure payment under this judgment and to pay any arrears due at a periodic rate not to exceed 50% of the amount of support due under the judgment, so long as the addition of the amount toward arrears does not leave the party at an income below the poverty line established under 42 USC 9902(2).

B. All ordered payments shall be made to the Wisconsin Support Collections Trust Fund (WI SCTF) at Box 74200, Milwaukee, WI 53274-0200. If for any reason the payment is not withheld from the payer's income, the payer shall be responsible for making such payment directly to WI SCTF.

C. The payer shall pay the annual receiving and disbursement fee of \$35.00, pursuant to sec. 767.29 (1)(d), Wis. Stats. All ordered payments shall be made to:

WI SCTF
PO Box 74200
Milwaukee, WI 53274-0200

D. Both parties shall notify the Waukesha County Clerk of Circuit Court-Family Division, the Waukesha County Child Support Division, and the other party within ten (10) business days of any address change. Further, the payer shall notify the Waukesha County Child Support Division and the payee, within ten (10) business days, of any change of employer and employer's address, and of any substantial change in the amount of his/her income, including receipt of bonus compensation, such that his/her ability to pay support is affected. Notification of any substantial change in the amount of the payer's income will not result in a change in the order unless a revision or adjustment of the order is sought.

E. A party ordered to pay child support or family support shall pay simple interest at the rate of 1% per month (12% per year) on any amount in arrears that is equal to or greater than the amount of support due in one (1) month. If there is no current order, interest shall accrue on the balances due.

F. A withholding assignment or order under this section has priority over any other assignment, garnishment, or similar legal process under Wisconsin law. The employer shall not withhold more of the employee's disposable income than allowed pursuant to the Federal Consumer Credit Protection Act unless the employee agrees to have the full amount withheld. No employer may use an assignment under this section to deny employment, or to discharge or take disciplinary action against an employee. (sec. 767.265, Wis. Stats.)

G. Any income withholding put into effect in this case shall continue until all outstanding obligations are paid, or until further order of the court.

4. **Annual Adjustment.** (Mark only one with an X)

A. ☐ This case is **NOT** subject to the provisions of sec. 767.33, Wis. Stats. regarding an annual adjustment of the child support order.

B. ☐ This case **IS** subject to the provisions of section sec. 767.33, Wis. Stats. regarding an annual adjustment of the child support order. The payer shall provide the payee the following financial information: copies of a federal and state income tax filing for the most recent year with all schedules and attachments, and a recent wage statement or paycheck stub showing year-to-date earnings. The payer shall give this information to the payee by the following date: _____, 20 _____. The parties must follow the procedures in section 767.33 to agree to an annual adjustment amount or file a request for a hearing with the court.

5. **Marital Settlement Agreement.**

The parties' **Marital Settlement Agreement**, dated _____, 20 ____, is attached to this Judgment, incorporated by reference, and is made the judgment of the court (except that the agreement was amended at the time of trial as follows). **Any and all changes and/or decisions made by the court to the Marital Settlement Agreement, or any other matter of this divorce during trial, must be written below or attached.**

☐ The court has not ordered any changes or amendments to the **Marital Settlement Agreement** that need to be written in or attached.

6. **Lis Pendens.**

A. ☐ No lis pendens was filed in this divorce action.

B. ☐ The lis pendens filed in this divorce action on _____, 20 ____, in the office of the register of deeds for _____ County, Wisconsin, is released to the real properties as described on page(s) _____ of the **Marital Settlement Agreement**.

7. **Attorney Fees.**

All payments of attorney fees provided for herein shall be paid directly to the attorney or to the state or county providing services under sec. 46.25 or 49.19, Wis. Stats, which may enforce the order in its name.

8. **Noncompliance.**

Disobedience of the court orders is punishable under ch. 785, Wis. Stat., by commitment to the county jail until the judgment is complied with and the costs and expenses of the proceedings are paid or until the party committed is otherwise discharged, according to law.

9. **Restoration of Name.**

- A. ☐ The WIFE is restored use of her former surname of _____.
- B. ☐ The HUSBAND is restored use of his former surname of _____.

10. **Entry of Judgment.** The Clerk of Court's office, per sec 806.06(1),(2), Wis. Stat., shall enter this judgment by affixing a file stamp that is dated.

Dated: _____

BY THE COURT:

Circuit Court Judge

Approved as to form By

Respondent or Respondent's Attorney(s)
Attorney's State Bar Number: _____

Approved as to form (and statutory content)

By

State of Wisconsin (if a party)
State Bar Number: _____